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OGC HAS REVIEWED.

1 October 1953

MEMORANDUM FOR: The Director of Central Intelligence

SUBJECT: Personnel Reserve for the Central Intelligence Agency

1. PROBLEM

To examine factors relative to the establishment of a Personnel Reserve in the Central Intelligence Agency.

2. FACTS BEARING ON THE PROBLEM

Personnel reserve organizations have proved effective in augmenting the Military, Public Health, and Foreign Service by providing trained forces immediately available during initial periods and for duration of a national emergency.

To provide for an effective personnel reserve, it is essential that an agency have prior claim to the services of the reservist.

Training is an essential part of a reserve program.

Regular employment reinstatement rights should be available to the reservist to the maximum extent possible.

Remuneration of the reservist provides some incentive in any mutual agreement between a reservist and the active organization of which he is a part.

Sources for organization of a CIA reserve can be found in employee listings of predecessor organizations, separates in good standing of this Agency, and by direct recruitment.

3. DISCUSSION

In consideration of legislation that may be required to establish a Personnel Reserve for the Agency, study of "An Outline Plan for a Central Intelligence Agency Personnel Reserve" *(TAB A - which is an adaptation of the Coast Guard Plan) develops certain factors requiring further discussion:

* This plan outline has been developed for discussion purposes only. No recommendations are made on the merits, demerits or completeness of the plan.

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a. Intent to Serve

In consideration of trends in the development of the Agency career service program which avoid statutory obligations on the career member to serve in any post as may be required, it appears illogical to erect statutory obligations which are applicable only to a reserve component of this career service.

b. Exemption from Military Training and Draft

Lacking statutory precedent for blanket exemption from military training and draft for employees of civil organizations, government and non-government, it appears undesirable to consider legislation on this point for a reserve. Rather, it is considered desirable to extend present Agency agreements with the Selective Service concerning draft deferment for personnel assigned overseas, and with the Defense activity which provides for a 16-week program of equivalent military training - making both of these applicable to reservist employees when on active duty.

c. Reservist Regular Employment Reinstatement Rights

Precedent exists in statute establishing reserves in the military and in the Foreign Service which provides for restoration of positions held by reservists in various agencies of the United States Government or of the District of Columbia when ordered to duty subject to prior agreement or release for that duty by the agency heads in question. As regards reinstatement rights in non-government positions, no precedent other than that established under the Selective Training and Service Act of 1940 is available. To attempt to obtain such far-reaching benefits for reservists coming from civil employment (i.e., industry, etc.) is without precedent. This is a matter which would require detailed study by the General Counsel prior to its inclusion in any legislation on the subject of a reserve for this Agency. (TAB B - Excerpts from Statutes Providing for Employment Reinstatement).

d. Authority to Train

Present CIA legislation provides authority for employee training.

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e. Pay for Reservists

The plan (TAB A) for establishment of a CIA Personnel reserve assumes that a reservist shall be brought to active duty on a scheduled basis. As such the reservist is, then, in fact, an employee of the Agency and it follows that this Agency has authority for payment of the reservist's salary as an employee of the Agency. TAB C contains some estimates on costs chargeable directly to a reserve.

Consideration of security clearances as a problem in administration of a personnel reserve has developed that it is one largely of additional cost due to an increase of the number of investigations that must be made to assure valid security clearances for each reservist employee. Continuing costs for this investigatory procedure are estimated in TAB C "Cost Estimates Directly Chargeable to Administration of a CIA Personnel Reserve". Provision of an adequate staff and funds to process reserve clearances on an annual or periodic basis is the answer to this problem.

Handling of security information in a reserve training program at the same time avoiding compromise of current operations, and, providing material of value to the reservist and the Agency, is inter-locked with the form and organization of the reserve training program. A first premise in avoiding such compromise is that the reserve trainee should not be given on-the-job type training in certain components of the Agency. In other components on-the-job training is clearly appropriate. Considering these facts in a very general sense, a reserve training program appears entirely feasible provided the reservists are handled on a scheduled basis in courses carefully controlled and approved as to course content. TAB D - "Comments on a Reserve Training Program" provides further amplification of this.

Assignments in this Agency for reservists of other services are a problem which must be considered in the establishment of a CIA reserve. This is considered essential in view of the many well-qualified reservists of other services currently employed in the Agency or others who might be interested in serving the Agency during a national emergency but who probably could not be interested in a CIA reserve if required to give up their military or other reserve commission giving certain retirement benefits. The assignment of reservists of other services to this Agency is probably a problem for negotiation in each case between the Agency and those services in question, including reimbursement for all costs and salary incident to maintenance of a reservist contract.

Review of the sources for obtaining CIA reserve membership indicates that there are an estimate [redacted] who were employees of predecessor organizations [redacted] of individuals who have been separated from this Agency under honorable conditions. Of these cases, many may prefer to maintain reserve membership in other organizations in order to preserve retirement benefits, etc.

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4. CONCLUSIONS

It is concluded that a personnel reserve organization is desirable in order to insure orderly and effective augmentation of the Agency during initial periods and duration of a national emergency.

It is concluded that the Director of the Central Intelligence Agency has authority under existing law to train reservists on active duty and to obligate funds for that training. No legislation is required for this purpose.

Establishment of a prior claim by the Agency to a reservist employee's services is largely a matter of mutual agreement between the reservist, his employer, the military service where the individual is a member of a reserve in that service, and the Agency.

Administrative procedures affecting military draft and equivalent military training of employees should be made applicable to reservists on active duty.

Regular employment reinstatement rights for the reservist are desirable. No precedent in statute providing such rights exist other than that for United States Government employees. To insure reemployment rights for reservists who are employees of the United States Government and of the District of Columbia, legislation is recommended.

Maintenance of security clearances on reservist employees constitutes no problem other than approval by appropriate authority of an adequate staff and funds to care for the investigatory work which is chargeable to maintenance of security clearances.

Identifying reservists as employees in the pay of this Agency should not be construed to prevent any member of the reserve solely by reason of membership therein from practicing his civilian profession on occasion before or in connection with any department of the Federal government or the District of Columbia. This statement of reserve employee rights is a matter which may require legislation depending on the nature of the contract. It is suggested that this matter be studied in detail by the General Counsel.

5. ACTION RECOMMENDED

a. That the CIA Career Service Board approve the above conclusions and secure approval by the Director of the Central Intelligence Agency.

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b. That the Office of the General Counsel be requested to prepare appropriate legislation.

c. That the Office of the Assistant Director (Personnel) be requested to prepare appropriate justifications, supporting data, and appropriate regulations to effect this reserve program.

d. That the Deputy Director (Administration) be requested to assume over-all responsibility for action.

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TAB "A"

AN OUTLINE PLAN FOR CIA PERSONNEL RESERVE

Purpose and Administrations

The CIA reserve is a component part of CIA for the purpose of providing a trained force of individuals which, added to the force in the regular career service, will be adequate to enable the Agency to perform its functions and duties during initial stages of national emergency and for the duration of that emergency. The Reserve shall be administered by the Personnel Director under such regulations as the Director may prescribe.

Eligibility

The CIA reserve shall be composed of citizens of the United States and of its territories and possessions who are physically and otherwise qualified for performance of duty, and who, through acceptance of a reserve appointment, indicate their intent when called to serve the Agency during any period of national emergency or war declared by the Congress or the President to exist, and such training duty as may be required.

Term, Duty and Training

The term of appointment in the CIA reserve shall be for a period of 5 years. In event of national emergency or war declared by the Congress or the President to exist, all members of the reserve shall indicate their intent to serve on active duty for the duration of that emergency.

In times other than national emergency, members of the reserve shall agree to scheduled periods of training with pay as authorized by the Director. The Director may release any member of the reserve from active duty at any time. When performing authorized training the reservist may be furnished with transportation to and from such duty with subsistence and transfers en route and during the performance of such duty with subsistence in kind or commutation thereof, which rates to be fixed by the Director.

Pay Grades, Allowances, Authority and Other Benefits

Pay grades of reserve members shall be the various grades applying to regular members of the career service established on basis of review of reservist qualifications by a Reserve Selection Panel.

Members of the reserve while engaged on active duty shall have the same authority rights and privileges of regular members of the career service.

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Members of the reserve on active duty who suffer sickness, disease, disability or death shall be entitled to the same benefits as prescribed by law.

Personnel of the reserve may be allowed the cost of training equipment or material as prescribed by the Director to be essential to the conduct of an adequate reserve training program.

Exemption from Military Training and Draft

Members of the CIA reserve shall be entitled when on active duty to benefits of administrative procedures applicable to Agency career employees in effecting draft deferment or equivalent military training.

Security and Other Obligations

All members of CIA reserve when engaged on active duty or on authorized travel to and from such duty for training prescribed by the Director shall be subject to regulations and orders governing the administration of Agency affairs, including the provision that reservists shall be subject to security regulations at all times, record of which shall be an agreement and oath by the reservist accepting these security obligations.

Employment

No existing Agency regulation should be construed to prevent any member of the reserve solely by reason of membership therein from practicing his civilian profession or occupation before or in connection with any department of Federal government or the District of Columbia, provided that acceptance of employment or practice of civilian profession in connection with any foreign government shall receive prior approval by the Director of the Central Intelligence Agency.

Reinstatement

All members of the reserve who are in the employ of the United States government or the District of Columbia, who, by prior agreement with the appropriate agency, come to duty under the reserve shall be restored to positions held by them when coming to that duty.

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Excerpts from Statutes Providing for Employee Reinstatement

1. **The Foreign Service Act of 1946 - Public Law 724**

Sec. 528. **Reinstatement of Reserve Officers**

"Upon the termination of the assignment of a Reserve Officer assigned from any Government agency, such person shall be entitled to reinstatement in the Government agency by which he is regularly employed in the same position he occupied at the time of assignment, or in a corresponding or higher position. Upon reinstatement he shall receive the within-grade salary advancement he would have been entitled to receive had he remained in the position in which he is regularly employed under subsection (d), section 7, of the Classification Act of 1923, as amended, or any corresponding provision of law applicable to the position in which he is serving. A certificate of the Secretary that such person has met the standards required for the efficient conduct of the work the Foreign Service shall satisfy any requirements as to the holding of minimum ratings as a prerequisite to the receipt of such salary advancements."

2. **Public Law 207 - 81st Congress - COAST GUARD**

Title 14, Part II - Coast Guard Reserve and Auxiliary

Sec. 761 **Engaging in Civil Occupation; Leave and Training Duty**

" All members of the reserve who are in the employ of the United States government or the District of Columbia who are ordered to duty by proper authority shall, when relieved from duty, be restored to the positions held by them when ordered to duty."

3. **Selective Training & Service Act of 1940**

Ch. 720, 54 Stat. 885, as reported
in U. S. Code, 1946 Ed., Title 50

Sec. 308 App.

"a. Any person inducted into the land or naval forces under this act for training and service, who, in the judgment of those in authority completes his period of training and service shall be entitled to a certificate to that effect * * * *."

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"b. In the case of any such person who, in order to perform such training and service has left or leaves a position, other than a temporary position in the employ of any employer and (1) who receives such certificate, (2) is qualified to perform the duties of such position, and (3) makes application for reemployment within 90 days after he is relieved from such training and service or hospitalization continuing after discharge for a period of not more than one year -

"(a) If such position was in the employ of the U. S. government, its territories or possessions, or the District of Columbia, such person shall be restored to such position or to a position of like seniority and pay:

"(b) If such position was in the employ of a private employer, such employer shall restore such person to such position or to a position of like seniority status and pay unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so:

"(c) If such position was in the employ of any state or political subdivision thereof, it is hereby declared to be the sense of the Congress that such person should be restored to such position of like seniority, status and pay.

"3. Any person who is restored to a position in accordance with the provisions of Para (a) or (b) of subsection b. shall be considered as having been on furlough or leave of absence during his period of training and service in the land or naval forces, shall be so restored without loss of seniority, shall be entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time such person was inducted into such forces, and shall not be discharged from such position without cause within one year after restoration.

* * * * *

"NOTE: Sec. 1 of the Act of June 1946 provided "that all of the provisions of the Selective Training and Service act of 1940, as amended, are hereby expressly reenacted, except those provisions which are hereinafter amended or repealed (Sec. 303, 305, and 316 of U. S. Code 1946 Edition, Title 50, WAR, Appendix). Sec. 308, above, therefore was reenacted in June 1946."

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Comments on a Reserve Training Program

Review of factors affecting training under a reserve program reveals that such a training program is feasible provided that it is handled on a scheduled basis carefully administered and controlled as to approved course content to insure:

(a) That information provided for the reservist is of value and controlled on a true need-to-know basis.

(b) That reserve training operations be confined to approved locations.

(c) That any plans for active employment of the reservist during training shall be controlled in a manner insuring against unprofitable shopping around the Agency, a procedure providing limited training for the reservist and of questionable value to the Agency as regards security of operations.

An example of profitable on-the-job reserve training can be cited in the case of a support function such as Communications where it appears feasible and desirable that communications reservists, after appropriate indoctrination, can participate in actual communications problems simulating operations. This type of on-the-job training is not limited to the reserve training period but can be extended to communications operations problems on a continuing basis where the reservist volunteers for such a program.

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